

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ILHAME AZZIZ,	)	
Plaintiff,	)	
	)	
v.	)	Civil Docket No.
	)	05-10751-NMG
MICHAEL CHERTOFF, as Secretary of	)	
the Department of Homeland	)	
Security, EDUARDO AGUIRRE, as	)	
Director of the U.S. Citizenship	)	
& Immigration Services, and	)	
DENNIS RIORDAN, Center Director	)	
for Boston District Center,	)	
Defendants.	)	

**ANSWER OF THE DEFENDANTS**

The defendants in the above-captioned matter hereby respond to the corresponding numbered paragraphs of the plaintiff's complaint for review of denial of naturalization (hereinafter the "complaint"), upon information and belief, as follows:

1. The defendants deny that the denial of the application for naturalization was "unlawful" and "improper."
2. Paragraph 2 of the complaint contains an alleged identification of the plaintiff that requires no response. To the extent a response is deemed necessary, said allegations are denied.
3. Paragraph 3 of the complaint contains an identification of the defendant Michael Chertoff, Secretary of the Department of Homeland Security, and therefore requires no response.
4. Paragraph 4 of the complaint contains an identification of the defendant Eduardo Aguirre, Director of the United States Citizenship and Immigration Services, and therefore requires no response.
5. Paragraph 5 of the complaint contains an identification of the defendant Dennis C. Riordan, District Director of the United States Citizenship and Immigration Services, and

therefore requires no response.

6. Paragraph 6 contains a conclusion of law as to the jurisdiction of the court to hear this matter, therefore, no response is necessary to these allegations. To the extent a response is deemed necessary, said allegations are denied.
7. Paragraph 6 contains a conclusion of law as to the proper venue of this matter in this court, therefore, no response is necessary to these allegations. To the extent a response is deemed necessary, said allegations are denied.
8. The defendants admit the allegations contained in paragraph 8 of the complaint.
9. The defendants admit the allegations contained in paragraph 9 of the complaint.
10. The defendants admit the allegations contained in paragraph 10 of the complaint.
11. The defendants admit the allegations contained in paragraph 11 of the complaint.
12. The defendants admit the allegations contained in paragraph 12 of the complaint.
13. The defendants admit the allegations contained in the first sentence of paragraph 13 of the complaint. The defendants, however, deny the remaining allegations contained in this paragraph.
14. The remaining paragraph of the complaint, mistakenly misnumbered 10, contains prayers for relief that require no response. To the extent a response is deemed necessary, said allegations are denied.

#### **AFFIRMATIVE DEFENSE**

1. This Court lacks jurisdiction over the subject matter of the action.
2. The complaint fails to state a claim upon which relief can be granted.
3. The defendants denial of the plaintiff's application for naturalization was denied in accordance with Section 101(f) of the Immigration and Nationality Act as the plaintiff gave

false testimony for the purpose of obtaining a benefit under the Act.

Wherefore the defendants respectfully requests that this Court dismiss the plaintiff's complaint, uphold the denial of the plaintiff's application for naturalization, and for such other relief as this Court deems just and proper.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its attorney,

MICHAEL J. SULLIVAN  
United States Attorney

Dated: November 16, 2005 By: /S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney  
U.S. Attorney's Office  
John Joseph Moakley Courthouse  
1 Courthouse Way, Suite 9200  
Boston, MA 02210  
(617) 748-3303

**CERTIFICATE OF SERVICE**

I certify that on this day a true copy of the above document was served by first class mail, postage prepaid, upon the attorney for the plaintiff at the following address:

Desmond P. FitzGerald, Esq.  
FitzGerald & Company, LLC  
18 Tremont Street, Suite 210  
Boston, MA 02108

Dated: November 16, 2005 /S/ Christopher R. Donato  
Christopher R. Donato  
Assistant U.S. Attorney